

7 FAM 460 ESCAPED PRISONERS

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7 FAM 461 GENERAL POLICY

The escape of any U.S. citizen prisoner should be reported immediately to the Department (CA/OCS/EMR) by telegram. A U.S. citizen who has escaped from the place of incarceration is still eligible for the full range of consular services, provided there has been no request from the local authorities to deny such services. The issuance of a new passport and/or granting of a repatriation loan is the assistance that escaped prisoners usually request (see 7 FAM 340 and 7 FAM 1314).

7 FAM 462 PROCEDURE

When a post is approached for passport or other consular services on behalf of an escaped prisoner, the post proceeds as follows:

a. At the discretion of the consular officer, and when warranted by the facts of the case, each such applicant should be advised that possession of 2 valid passports is precluded by passport regulations. The consular officer may, if the escaped prisoner agrees, request the return of the passport from the appropriate host government authorities.

b. If the passport is not released by the local authorities, or when the consular officer has determined that a request for its return is not warranted, the following action should be taken:

(1) Before issuing any documentation, the post should determine whether the citizen's name clears the passport lookout (AVLOS) and/or the circular lookout file. If the name does not clear, the post should contact the Department (CA/PPT/C) for guidance.

(2) If the name clears, unless the host government has requested the post to notify it if the escapee applies for documentation, the citizen may be issued a passport or card of identity and registration, as the situation dictates.

(3) The consular officer should make it clear to the applicant that documentation does not guarantee that the escapee will exit the host country, and that the post cannot assist the escapee to evade local authorities after leaving the post. Should the local authorities later inquire, the post should describe to them the actions taken. This information should not be volunteered, but it should not be concealed if officially requested.

(4) If the post has received a request from the host government to notify it, should a specific escaped U.S. citizen prisoner request documentation, the post must:

(a) Inform the citizen of the host government's request and that the post will notify the host government if the citizen pursues the request for documentation;

(b) Document the citizen upon request and notify the host government authorities. If the citizen does not pursue the request, the host government authorities should not be notified.

c. If the U.S. citizen does not have sufficient funds to return to the United States, the person may apply for a repatriation loan. The request should be forwarded by telegram to the Department (CA/OCS/EMR), following the format provided in 7 FAM 300 : Emergency Financial and Medical Assistance for U.S. Citizens Abroad (see section 7 FAM 340), and the Department will provide guidance.

d. Prisoners who escape from police custody may appear to request consular services at a post in a different consular district or even a different country from the one in which they escaped. In some instances, the U.S. citizen will voluntarily surrender a passport to the foreign authorities of one country, depart that country without proper documentation, and request repatriation and/or a replacement passport at a post in a second country. If a known escapee requests consular services from any post, the Department (CA/OCS/EMR) should be advised via IMMEDIATE telegram.

e. Posts should issue a new passport upon application, if the citizen is entitled to one, and notify the appropriate post in the other country. That post may then request that the original passport be returned, as it is the property of the U.S. Government (see section 7 FAM 483 e).

f. In taking the passport and/or repatriation loan application, the consular officer should request the applicant to execute a statement, to be incorporated as part of the application, reciting the details of the applicant's departure from 1 country and entry into a second. When appropriate or necessary, the consular office should notify the authorities concerning the presence of the applicant in that country without proper documentation. It should be made clear to the appropriate local authorities that whether or not they intend taking any action against the applicant (including extradition), the applicable U.S. laws and regulations leave the post with no alternative but to issue the applicant a replacement passport and/or other consular services.

g. In all instances when an escaped prisoner has appeared at the post, such contact, the actions taken, and any other pertinent information must be reported to the Department (CA/OCS/EMR) by IMMEDIATE telegram.

7 FAM 463 THROUGH 469 UNASSIGNED